

**MINUTES**  
**PERSONNEL COMMITTEE**

Tuesday, October 28, 2014

City Hall, Room 207

4:30 p.m.

Members Present: Ald. Andy Nicholson, Ald. Guy Zima, Ald. Thomas Sladek, and Ald. Thomas DeWane

Others Present: Ald. Jerry Wiezbiskie, Ald. Dave Nennig, Ald. Mark Steuer, Ald. Joe Moore, Jim Mueller, Lynn Boland, Tom Molitor, David Litton, Dawn Foeller, Melanie Falk, Jon Cermele, Geoff Lacy and others.

1. Roll Call.

2. Adoption of the Agenda.

A motion to adopt the agenda was made by Ald. Sladek, seconded by Ald. DeWane. Motion carried unanimously.

3. Approval of the revised minutes of the meeting of September 30, 2014.

A motion to approve the revised minutes of the meeting of September 30, 2014 was made by Ald. DeWane, seconded by Ald. Sladek. Motion carried unanimously.

4. Approval of the minutes from the October 16, 2014 meeting.

A motion to approve the minutes of the meeting of October 16, 2014 was made by Ald. Sladek, seconded by Ald. DeWane. Motion carried unanimously.

5. Request approval of the employee health benefit design for 2015 and review of the City's dental benefit.

Director Boland introduced Cindy Van Asten the City's Benefit Consultant from M3 who presented details of the employee health benefit plan for 2015. She indicated the medical health plan as is with no changes would result in an 8.3% increase or \$1.2 million. Due to this increase, a redesign to hold the present rate flat was done with the result being a recommendation to change the deductible to \$1,500 for a single plan, and \$3,000 for a family plan with a reimbursement option at \$500 for single and \$1,000 for family. Changes to the pharmacy plan were highlighted along with the co-pay schedule which includes a \$10 co-pay for Bellin Fast Care at Shopko and a \$25 co-pay for other office visits. Ms. Van Asten explained how the deductible amount was determined.

Ms. Van Asten discussed the number of members that currently hit the deductible level. Ald. Zima asked if this was an indication of a successful program and Ms. Van Asten indicated that it shows that a small number of

employees are driving the cost of the plan. Ald. Zima asked why we needed to change anything. Ms. Van Asten indicated that the medical trend is 7-8%.

Ald. Sladek requested a further discussion of the Deductible Reimbursement Account (DRA) and whether there was consideration given to reducing the deductible and not have a reimbursement account. Ms. Van Asten explained that option was reviewed but actuarially the risk in having a lower deductible affects the overall cost of the plan.

Ald. Zima asked Ald. Sladek to explain the DRA – he explained that in order to keep the rates at a lower rate the City will fund the last \$500 single and \$1,000 family of the deductible.

Ald. Zima indicated he thought by keeping people in the network would help to lower costs and wondered why we can't control what we pay to the networks. Ms. Van Asten indicated we don't control that payout that it is based on the discounts and contracts through UMR.

Question and discussion by the committee included the following:

- How does the reimbursement account work?
- Further explanation of the deductible amount.
- What is the cost savings to the City compared to previous years?
- Can the City control what is paid out to the networks?

Dental Benefit Plan – There are no changes in the rate. A voluntary program is recommended to employees which will cover various items such as eye exams, etc.

Ms. Van Asten indicated that both the employee health benefit plan and the dental plan have been reviewed with the Labor Management Committee. If approved by this committee, they will proceed with benefit information to employees, in addition to scheduling a meeting to discuss details with them. (See provided material for details.)

Ald. DeWane asked for additional time to review the material before making a decision. Ald. Zima indicated he did not feel he had enough information or understanding to vote, noting a need to rely on staff. He questioned why there is always an increase and costs keep rising and it is so complicated, rather than making an attempt to keep costs contained. Ald. Zima asked if we should consider going out on our own is there anything else we can do to control costs. The City indicated that 2-years ago the city conducted an RFP and changed to a new provider – UMR which provided a significant cost savings – the City is in the 2<sup>nd</sup> year of its contract with UMR. Ald. Zima indicated he is concerned with the increases and questioned what can be done to contain costs.

Ald. Sladek, however, stated that he had reviewed the materials and felt he had an understanding. He was ready to approve and move forward.

Further discussion resulted in the opinion that the overall plan may be reasonable, understanding the need for a higher deductible, however, concerned with the maximum out of pocket. Ald. Zima continued to express a concern that there is no cap on costs, have users been consulted, and questioned if there are any alternatives.

Ald. Zima asked if this information had been shared with employees. The City indicated it had been discussed with the Labor Management Committee. A member of the Labor Management Committee indicated that it is probably the way the industry is going but they hadn't been shown the plan until it had been put together and they were asked if they would go along with it.

Motion made by Ald. Zima to refer to the Labor Management Committee. No second. Motion failed.

Motion made by Ald. DeWane, seconded by Ald. Sladek to receive and place on file. Motion carried unanimously

6. Request approval to award a 3-year contract for benefit administration of Flex Spending, Health Reimbursement and COBRA programs to Employee Benefits Corporation at a projected total cost of \$130,308 (\$43,436 annually), plus one 2-year renewal option. This contract represents an annual savings of \$6,068 or \$18,204 over the 3-year term of the contract.

Director Boland referred to packet material highlighting information regarding a 3 year joint contract with Brown County, the City of DePere and the Moraine Park Technical College. It is recommended that the City of Green Bay approve the submittal contract which will result in an annual reduction of over \$6,000.

Ald. Sladek asked if any of the other parties have decided to move forward with the 3-year contract and Cindy Van Asten from M3 indicated that Brown County has approved, DePere has approved for 2016, and Moraine Park is still under review.

Motion made by Ald. Sladek, seconded by Ald. DeWane to award a 3-year contract for benefit administration of Flex Spending, Health Reimbursement and COBRA programs to Employee Benefits Corporation at a projected total cost of \$130,308 (\$43,436 annually), plus one 2-year renewal option. Motion carried unanimously.

7. Request to fill the following positions and all subsequent vacancies resulting from internal transfers.
  - a. Assistant City Attorney II - Law

Motion made by Ald. DeWane, seconded by Ald. Sladek to approve the request to fill the Assistant City Attorney II position in Law and all

subsequent vacancies resulting from internal transfers. Motion carried unanimously

b. Division Chief of Emergency Medical Services (EMS) - Fire

Motion made by Ald. DeWane, seconded by Ald. Sladek to approve the request to the Division Chief (EMS) position in the Fire Department and all subsequent vacancies resulting from internal transfers. Motion carried unanimously.

8. Review and discussion, with possible action, the revised language regarding the process of submitting communications to Committees.

At the request of Chair Nicholson, Attorney Jim Mueller addressed this issue related to the submittal of communications to committees stating that essentially, they should come through the Council or by the chair person of the committee. Chair Nicholson clarified the process, that the Chairman of the committee would approve the communication and transfer to appropriate staff within 24 hours or more of the meeting to meet the public notice requirements.

Motion made by Ald. Zima, seconded by Ald. Sladek to approve the revised language regarding the process of submitting communications to Committees. Motion carried unanimously.

9. Referred back from City Council for further discussion with possible action, contracting for an attorney to advise the Council on any issue at a contract salary of \$30,000 per year.

This item was held from a previous meeting. Ald. Sladek clarified there has been no response to a request for a legal opinion from the Wisconsin League of Municipalities, stating he preferred to wait for their response before making any decision.

Ald. Zima stated he would prefer a one year contract at \$2,500 a month, with a three year notice to terminate from either side.

Motion made by Ald. Sladek, seconded by Ald. Zima to hold until the next meeting the contracting for an attorney to advise the Council on any issue at a contract salary of \$30,000 per year. Motion carried unanimously

10. Request by Ald. Tom DeWane to look at bringing back sergeants in the Police Department with possible action.

Motion by Ald. DeWane, seconded by Ald. Sladek to receive and place on file and proceed to #11. Motion carried unanimously

11. Request by Ald. Tom DeWane, to discuss with possible action, hiring an outside consultant to study the Green Bay Police Department organization and discuss any cost savings the consultant may bring forward.

Ald. DeWane requested that consideration be given to hiring a consultant to study the Green Bay Police Department to include reviewing and recommending potential operational changes to be more cost effective and reviewing the organizational design and providing pros and cons on whether sergeants should be incorporated into the department. Ald. DeWane indicated he had discussed this idea with Chief Molitor who has no issue with it.

Motion made by Ald. DeWane, seconded by Ald. Sladek to look at an organizational study of the management of the Police Department, working with the HR Director.

Ald. Sladek asked if there is a known consultant and if there is a cost estimate. Ald. DeWane indicated he has spoken with Director Boland who has agreed to work with him to find a consultant at an estimated cost of \$50,000.

Ald. Zima was not in favor of spending \$50,000 for this purpose, indicating that this decision should be able to be made by the department, however, stated he has found many reluctant to discuss the matter. He would prefer to call in a neutral party to discuss what is at stake, what are the advantages and disadvantages, or if there is a compromise. He indicated he would be in favor of more officers on the streets rather than more in the hierarchy, noting that crime appears to be increasing in the city.

Ald. Jerry Wiezbiskie also stated he does want to spend \$50,000 at this time. He recommended referral to the Police Chief to determine what others are doing relative to this issue. He indicated that the present Police Department is operating well and has a good track record. He prefers they hire a beat cop for the streets.

Ald. Sladek referred to the scope of Ald. DeWane's communication which is to study the organization of the Police Department and discuss any cost savings a consultant may bring forward, rather than discussing #10 which refers to bringing back sergeants. His understanding is that Ald. DeWane is advocating for a consultant to look at the overall operation of the Police Department in order to make it more efficient.

Ald. Zima stated he would support a narrower study based on better crime prevention with the use of sergeants vs. lieutenants which could result in more effective policing and would answer the question of which is the better way to go.

Vote on Motion made by Ald. DeWane, seconded by Ald. Sladek to look at an organizational study of the management of the Police Department, working with the HR Director. Motion carried unanimously

12. Report of Routine Personnel Actions for regular employees.

A motion to receive and place on file the report of Routine Personnel Actions for regular employees was made by Ald Sladek, seconded by Ald. DeWane. Motion carried unanimously.

13. Fact-finding hearing regarding the Green Bay Professional Police Association (GBPPA) Recruit Academy Grievance – Step 3. The Personnel Committee only may meet in closed session to deliberate.

Present to discuss this matter were attorneys for the Police Association and for the Police Department. When asked why Attorney Mueller could not represent the City, the committee was told there would be a conflict.

Attorney Cermele representing the Police Association referred to written material provided to the committee with regard to the grievance. He indicated that the City has denied the grievance, stating they can pick and choose any field officer that it desires to run a training camp and that there is nothing in the Labor Agreement which would prevent this. Attorney Cermele disagreed with this ruling, pointing out that Section 5.04 of the Labor Agreement finds that:

1. A temporary assignment is for 30 days or less.
2. The duty or project to which an officer is assigned may not be one that is usually assigned to an association member.
3. The duty or project may not be one that is historically assigned or normally performed by members of the association.

Cermele stated that Section 5.06 of the Labor Agreement, however, changes this somewhat by stating that seniority is a factor for those who have qualifications, that there is no limit to 30 days, it can be 60, that the Chief or designee can decide the requirements, training, history, etc. and make a special assignment to someone to run the training academy. The department can decide what it wants to do and set the parameters, however, once set, it has to be by seniority.

Attorney Lacy representing the Police Department referred to distributed material noting that seniority is contained throughout the police contract and is essential. Assignment of training, however, is different and the department needs flexibility to train new recruits to provide community service. Lacy also referred to Section 7.5 which relates to field assignments and training of officers, giving the department the authority to handle training as it sees fit. Lacy stated that because the contract provides a second methodology doesn't mean the Chief is required to follow this particular provision. Lacy indicated there is nothing in the contract which prevents the chief from establishing the academy as he has in the past.

Ald. Zima asked both representatives what the incident was that brought the grievance forward and it was explained that initially the Recruit Academy was run by volunteers, however, as time went by and this process became difficult, temp

assignments were used at the discretion of the Chief. It was during the academy run from June through August that the grievance came forward. There were not enough volunteers to run the program, so the Chief assigned someone to run it. Attorney Cermele opined that the City should have instead developed a pool of those who were qualified and then chosen by seniority as Section 5.06 requires. The City, however, does not believe that field training is within the normal activities of an officer; however, it has been historical.

Motion made by Ald. Zima, seconded by Ald. DeWane to move into Closed Session. Roll Call: All present. Motion carried unanimously.

The Committee may convene in closed session pursuant to 19.85 (1)(a), Stats., for the purpose of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee may, thereafter, reconvene in open session pursuant to 19...85 (2) Wis. Stats. to report any actions taken during closed session and to consider all other matters on the agenda.

Motion made by Ald DeWane, seconded by Ald. Zima to return to regular order of business. Roll call. All present. Motion carried unanimously.

Ald. DeWane asked what is different about this academy than those in the past, whether there is more than one recruit being trained at a time, or is it a one on one. Officer Nathan Allen responded it's his understanding there is more than one recruit at a time, that it is not a one on one situation, except for on-the-road training.

Ald. Sladek confirmed his understanding that new hires are brought in together and that this is a new concept since 2012. Chief Molitor explained the academy in its current format started at the end of 2013, before that training was led by staff other than FTO's.

When asked by Ald. Zima what is substantially different from normal training protocol, Chief Molitor explained new technology has resulted in a need to first measure strengths and weaknesses and is more scenario based – how to react at the time of a robbery, or sexual assault incident before putting new officers on the road and in a car. Zima asked how individuals are determined qualified and criteria was explained by the Chief – strengths, consideration of shift assignment, etc.

Motion made by Ald. Zima, seconded by Ald. DeWane to move into closed session. Roll call: All present. Motion carried unanimously

The Committee may convene in closed session pursuant to 19.85 (1)(a), Stats., for the purpose of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee may, thereafter, reconvene in open session pursuant to 19.85 (2)

Wis. Stats. to report any actions taken during closed session and to consider all other matters on the agenda.

Motion made by Ald. Zima, seconded by Ald. Nicholson to return to regular order of business. Roll call: All present. Motion carried unanimously

Motion made by Ald. Sladek to sustain the City's current position to deny the grievance. No second. Motion denied

Motion made by Ald. DeWane, seconded by Ald. Zima to uphold the grievance of the Green Bay Police Association.

Ald. Sladek explained he arrived at his position to deny the grievance based on language in the agreement, one related to temporary assignments, and the other related to special projects. Given this conflict, he finds the City argument that the conduct by the FTO's is not part of their normal routine, but rather a special assignment sustains the City's position to deny.

Roll call vote on the motion to uphold the grievance regarding the Green Bay Police Association

Ayes: Zima, Nicholson, DeWane

Nays: Sladek

Motion carried 3-1

14. Update and discussion regarding labor negotiations.

A motion to convene in closed session was made by Ald. Sladek and the closed session language was read. Motion was seconded by Ald. DeWane and carried on roll call vote.

The Committee may convene in closed session pursuant to 19.85 (1)(e), Wis. Stats., for purposes of deliberating or negotiating public employee contracts or competitive or bargaining reasons. The Committee may thereafter reconvene in open session pursuant to 19.985 (2) Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Reporting out of closed session a motion to hold until the next meeting and have staff provide additional information was made by Ald. Zima, and seconded by Ald. DeWane. Motion carried unanimously.

There being no further business, a motion to adjourn was made by Ald. Zima and seconded by Ald. Sladek at 7:25 p.m. Motion carried unanimously.

Respectfully submitted,  
Peggy Barden  
Recording Secretary

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